



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Spencer WELLS (1)  
Andrew ERICKSON (2)

Defendants.

) Mag. Case No.

) **'08 MJ 8677**  
) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1324 (a)(1)(A)(ii)  
) Illegal Transportation of Aliens

The undersigned complainant, being duly sworn, states:

On or about July 23, 2008, within the Southern District of California, defendants Spencer WELLS and Andrew ERICKSON with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Margarita RIVERA-Herrera, Yesenia ALBARRAN-Albarran, and Herminia ALEJANDRO-Cortez, had come to, entered and remained in the United States in violation of law, and did transport and move said aliens within the United States in furtherance of such violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

MARCO A. MIRANDA  
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 24th DAY OF JULY 2008.

PETER C. LEWIS  
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Spencer WELLS (1)

4 Andrew ERICKSON (2)

5 STATEMENT OF FACTS

6 The complainant states that this complaint is based upon  
7 statements in the investigative reports by the apprehending  
8 agents, J. Embrey, J. Perez, and A. Damiani that on July 23,  
9 2008, the defendants, Spencer WELLS (WELLS) and Andrew ERICKSON  
10 (ERICKSON) both United States citizens, were apprehended near  
11 Ocotillo, California. WELLS was apprehended as the driver of a  
12 grey 2000 Dodge Durango, as he and ERICKSON smuggled four (4)  
13 undocumented aliens from Mexico, in violation of law.

14 On July 23, 2008, at approximately 6:30 a.m., a grey Dodge  
15 Durango, bearing California license plates 5NRK876, approached  
16 the Highway S-2 U. S. Border Patrol Checkpoint. The driver  
17 identified himself as Spencer WELLS, a United States citizen.  
18 The front passenger identified himself as Andrew ERICKSON, also  
19 a United States citizen. Agents noticed several individuals  
20 attempting to conceal themselves beneath blankets.

21 Agents Embrey and Perez instructed the subjects which were  
22 attempting to conceal themselves to exit the vehicle. Agents  
23 Embrey and Perez identified themselves as Border Patrol Agents  
24 and questioned all the subjects as to their citizenship. All  
25 four subjects admitted to being citizens and nationals of Mexico  
26 without any immigration documents that would allow them to be  
27 in, live, or work in the United States legally. All the subjects  
28 were arrested and transported to the El Centro Border Patrol  
29 Station.

Material Witnesses Herminia ALEJANDRO-Cortez (ALEJANDRO), Yesenia ALBARRAN-Albarran (ALBARRAN), and Margarita RIVERA-Herrera (RIVERA) stated they are citizens of Mexico and illegally in the United States. ALEJANDRO stated she made arrangements with an unknown individual to be smuggled into the United States for \$2,000.00. ALBARRAN stated she made arrangements with an unknown individual to be smuggled into the United States for an unknown fee. RIVERA stated that family members made arrangement for her to be smuggled into the United States for a fee of \$1,800.00. All three subjects said they crossed the United States/Mexico International border illegally by walking north across the United States/Mexico International Border. ALEJANDRO, ALBARRAN, and RIVERA were shown two six pack photo line ups. ALEJANDRO, ALBARRAN, and RIVERA positively identified photo #6, which depicted defendant ERICKSON, as the front passenger. ALEJANDRO and ALBARRAN positively identified photo #2, which depicted defendant WELLS, as the driver of the Dodge Durango.

The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Herminia ALEJANDRO-Cortez	Mexico
Yesenia ALBARRAN-Albarran	Mexico
Margarita RIVERA-Herrera	Mexico

Further, complainant states that Herminia ALEJANDRO-Cortez, Yesenia ALBARRAN-Albarran, and Margarita RIVERA-Herrera, are citizens of a country other than the United States, that said aliens have admitted they are deportable, that their

1 testimony is material, that it is impracticable to secure their  
2 attendance at the trial by subpoena, and that they are material  
3 witnesses in relation to this criminal charge and should be held  
4 or admitted to bail pursuant to Title 18, United States Code,  
5 Section 3144.